

ASSEMBLY BILL NO. 27—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing cease and desist orders issued by the State Contractors' Board. (BDR 54-240)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to contractors; authorizing a person who is issued a cease and desist order by the State Contractors' Board to contest the order within a certain period; setting forth the circumstances under which the order shall be deemed a final order of the Board; authorizing the Board to extend the time to contest the order for good cause shown; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if the State Contractors' Board has reason to believe that a person has committed certain violations, the Board is required to issue, or authorize the issuance of, a written administrative citation to the person. If the citation includes any corrective action that must be taken, the citation must specifically describe that action. A person to whom the Board issues a citation may contest the citation within 15 business days after the citation is served upon the person. If a person does not contest a citation within that period, or if the Board does not extend that period, the citation shall be deemed a final order of the Board and not subject to review by any court or agency. (NRS 624.341, 624.345) Existing law also authorizes the Board to issue a cease and desist order to a person for certain violations committed by the person. (NRS 624.212) **Section 1** of this bill amends the provisions of existing law which authorize a person to contest a written citation issued by the Board to include any cease and desist order issued by the Board.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.345 is hereby amended to read as follows:

624.345 1. A person who is issued a written citation pursuant to NRS 624.341 *or an order to cease and desist pursuant to NRS 624.212* may contest the citation *or order* within 15 business days after the date on which the citation *or order* is served on the person.

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation *or order* is reasonable.

3. If a person does not contest a citation issued pursuant to NRS 624.341 *or an order to cease and desist issued pursuant to NRS 624.212* within 15 business days after the date on which the citation *or order* is served on the person, or on or before such later date as specified by the Board pursuant to subsection 4, the citation *or order* shall be deemed a final order of the Board and not subject to review by any court or agency.

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341 ~~(1)~~ *or an order to cease and desist issued pursuant to NRS 624.212*.

5. For the purposes of this section ~~(1)~~ *(1)*:

(a) *An order to cease and desist must be served in accordance with NRS 624.212.*

(b) A citation shall be deemed to have been served on a person on:

~~(a)~~ (1) The date on which the citation is personally delivered to the person; or

~~(b)~~ (2) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 2. This act becomes effective upon passage and approval.

